

REMARKS/ARGUMENT

Status of Claims

Claims 1, 3, 5-15, and 17-20 were pending before the present response.

Claims 1, 8, and 17 are amended herein. No new matter is added by the amendments.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Claims 1, 3, 5-15, and 17-20 are now pending.

Rejections under 35 U.S.C. §102

Claims 1 and 5 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Publication Number 2003/0018913 to Brezak et al. (hereinafter "Brezak"). The rejections of claims 1 and 5 under 35 U.S.C. § 102(e) are respectfully traversed.

Applicant has amended claim 1 to recite "wherein the KDC is a separate entity from the first application server," to provide a clarification suggested by the Office Action (see page 3, item 7). Applicant thanks the Examiner.

It is believed that claim 1, as amended, is not anticipated by Brezak. Brezak is a different system than that presently claimed by Applicant. Brezak allows a first server to be a proxy for the client when requesting data from a second server. *See* paragraphs [0044], [0046], [0048] and [0054]. By way of being a proxy, server 210 forwards client specific information directly to another server such as server 212 or 214. *Id.*

As can be seen in Applicant's Fig. 1, neither server 107 nor 106 acts as a proxy for client 102 to request data from the other. The claims, as presently written, support this contention. Specifically, claim 1 includes the language

sending the access information, session rights and authentication to a client, whereby the client presents the access information, session rights and authentication to the first application server to be authorized to receive the desired content from the first application server

As can be seen from this language, it is the client (and not another server as described in Brezak) that forwards information to the data-providing server.

In making the present rejection, the Examiner equates the claimed “third party server” with Brezak’s trusted third-party server 206. Brezak also gives examples of what the trusted third-party server 206 could be, and Brezak’s examples include being a key distribution center (KDC). See paragraph page 12, lines 20-21. Therefore, the Examiner is equating the claimed “third party server” with a KDC. This interpretation conflicts with Applicant’s claim language because later in claim 1, Applicant recites a KDC as a separate entity from the third party server. Thus, equating Brezak’s trusted third-party server 206 with Applicant’s claimed “third party server” renders Applicant’s later recitation of a “key distribution center” out of the claim.

In response to this argument, the Examiner has asserted that the claim language “does not distinguish the KDC as being a separate entity.” Applicant has amended the claim to clarify, and to specifically recite “wherein the KDC is a separate entity from the first application server.”

The Examiner also asserts that Brezak teaches “sending the access information, session rights and authentication to a client,” in paragraphs [0048] (Office Action, page 6) and in paragraphs [0039] – [0043] (Office Action, page 3, item 7.1).

Brezak does not transmit any information to the client in paragraph [0048]. Instead, Brezak teaches sending client information from trusted third-party server 206 to server 210. The client 202 receives nothing in paragraph [0048]. Indeed, since the purpose of Brezak is to have one server act as a proxy for a client, as previously described, the client would never send this type of information because that responsibility has been delegated to a server.

Applicant notes that an authentication reply is sent to a client in paragraph [0042], and acknowledges the Examiner’s citation of an “authentication service . . . receiving an

‘authentication request message’” in paragraph [0043]. However, no mention of either **access information** or **session rights** is made in Brezak’s paragraphs [0039] - [0043]. Thus, Brezak does not teach **every one** of the limitations of claim 1 as asserted by the Examiner, because Brezak fails to teach “sending the **access information** . . . to a client,” as recited in claim 1.

It is noted that the Office Action, at the second bullet point of page 6, implicitly acknowledges that Brezak fails to teach “sending the access information, **session rights** and authentication to a client” (emphasis added). The Office Action omits the words “**session rights**,” and thus the Office Action fails even to assert that Brezak teaches the limitation of “sending the . . . session rights . . . to a client” as recited in claim 1.

Claim 5 is allowable at least because claim 5 depends from independent base claim 1, which is an allowable base claim for at least the reasons discussed above.

Rejections under 35 U.S.C. §103

Claims 3, 6-15, and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brezak and further in view of U.S. Pat. No. 6,381,331 B1 to Kato (hereinafter “Kato”). The rejections of claims 3, 6-15, and 17-20 under 35 U.S.C. § 103(a) are respectfully traversed.

Claims 3, 6, and 7 are allowable at least because claims 3, 6, and 7 depend from independent base claim 1, which is an allowable base claim for at least the reasons discussed above with respect to the rejection of claim 1 under § 102(e).

With respect to independent claims 8 and 17, Applicant has amended claims 8 and 17 to recite “issuing a key reply **directly to the client** if the authentication of the third party access information, session rights and the client authorization are verified,” to provide a clarification suggested by the Office Action (see page 4, item 7.2). Applicant thanks the Examiner.

Further with respect to independent claims 8 and 17, Applicants respectfully submit that the Examiner relies on alleged teachings in the Brezak reference that, in fact, are not disclosed or suggested by Brezak, and are not supplied by Kato.

First, the Examiner asserts with respect to claims 8 and 17 (at pages 13 and 20, respectively, of the Office Action) that Brezak teaches “issuing a key reply” in paragraph

[0048]. Applicants respectfully submit that the Examiner is incorrect, in that Brezak does not disclose issuing a key reply. Applicant's claims 8 and 17, as amended, further includes the limitation that the key reply is issued directly to a client:

issuing a key reply **directly to a client** if the authentication of the access information, session rights and the client authorization are verified

(emphasis added). This feature is not taught by Brezak. Indeed, Brezak does not transmit any information to the client in paragraph [0048]. Instead, Brezak teaches sending client information from trusted third-party server 206 to server 210. The client 202 receives nothing in paragraph [0048].

Applicant's claim 8 further includes the limitation that the key request is received from a client:

the application server receiving a key request **from a client** wherein the key request includes the second service ticket

(emphasis added). The Examiner cites paragraph [0045] for this feature; however, this limitation is absent from Brezak. The messages 230 and 232 in Figure 2 of Brezak are between the server A 210 and the trusted third party 204 and do **not** involve a message from a client.

Indeed, since the purpose of Brezak is to have one server act as a proxy for a client, as previously described, the client would never send this type of information because that responsibility has been delegated to a server. Brezak does not present any data to the first application server that controls content distribution. Instead, Brezak passes service credential data from either the client or from another source on behalf of the client to a server that then obtains desired content from the target server. Paragraph [0008]. Thus, as has been previously stated, a server asks for content on behalf of the client in Brezak as opposed to the present application where the client asks for the content directly from the server controlling access to the content.

It would be contrary to this teaching of Brezak to have "the application server receiving a key request from a client," as required by claim 8, and "issuing a key reply directly to a client," as required by claims 8 and 17. "A reference may be said to teach

away when a person of ordinary skill, upon reading the reference, would be . . . led in a direction divergent from the path that was taken by the applicant.” *In re Kahn*, 441 F.3d 977, 990 (Fed. Cir. 2006) (quoting *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994)). Thus, Brezak *teaches away* from “the application server receiving a key request from a client” and *teaches away* from “issuing a key reply directly to a client.”

Even if Brezak were combined with Kato, or other prior art references, Applicant respectfully submits that Brezak fails to provide a basis for a rejection under 35 U.S.C. § 103, at least because Brezak expressly *teaches away* from either “the application server receiving a key request from a client” or “issuing a key reply directly to a client.” Because Brezak is an improper basis for rejecting Applicant’s claims, the combination of Brezak with Kato, or other prior art references, also is an improper basis for rejecting Applicant’s claims.

Kato fails to supply the foregoing features missing from Brezak, and accordingly, the combination of Brezak and Kato cannot suggest the invention and cannot render the claims obvious. Thus, no matter how Brezak and Kato may be combined (even assuming, *arguendo*, that one of ordinary skill in the art would be led to combine them) the resulting combination is not the invention recited in any of independent claims 1, 8, and 17. Dependent claims 3, 6, and 7 which depend on claim 1 and incorporate all of the limitations thereof are similarly patentable. Dependent claims 9-15 which depend on claim 8 and incorporate all of the limitations thereof are similarly patentable. Likewise, dependent claims 18-20 which depend on claim 17 and incorporate all of the limitations thereof are similarly patentable.

Accordingly, Applicants respectfully request withdrawal of the rejection of claims 3, 6-15, and 17-20 under 35 U.S.C. § 103(a).

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's undersigned representative at the telephone number indicated below.

Respectfully submitted,
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